

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES

DATE: FEBRUARY 22, 2008

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS SOKOL
 SHEEHAN
 THOMAS
 TESSIER
 CHAMPAGNE
 O'CONNOR

REPRESENTING WESTMOUNT HEALTH FACILITY:
 BARBARA TAGGART, ADMINISTRATOR
REPRESENTING THE DEPARTMENT OF HEALTH
SERVICES:
 PAT AUER, DIRECTOR OF HEALTH SERVICES
 GINELLE JONES, ASSISTANT DIRECTOR OF PUBLIC
 HEALTH DIVISION

COMMITTEE MEMBER ABSENT:

SUPERVISOR HASKELL

TAWN DRISCOLL, FISCAL MANAGER
FREDERICK MONROE, CHAIRMAN
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISOR KENNY
SUPERVISOR STRAINER
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF
ADMINISTRATIVE & FISCAL SERVICES
TODD LUNT, DIRECTOR OF HUMAN SERVICES
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST
CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST

Mr. Sokol called the meeting of the Health Services Committee to order at 9:31 a.m.

Motion was made by Mr. Champagne, seconded by Mr. Sheehan and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Barbara Taggart, Administrator of Westmount Health Facility, who distributed copies of the Agenda to the Committee members; *a copy of the Agenda is on file with the minutes.*

Ms. Taggart expounded that she had spoken with William Lamy, Superintendent of the Department of Public Works (DPW), that morning and they were working with Highlander Engineering Services, PLLC to secure a proposal for Dan Bruno, former Senior Project Manager at Rist-Frost Associates, to continue as the engineer for the installation of the air handlers at Westmount Health Facility. She

added that the attorneys were working out the details of contract costs. She said that she hoped to have a contract in place in the next couple of weeks. She stated that the contractors were on hold until the details of the engineer issue could be decided. She apprised that there was a 73-day clause for the completion of the contracts that were signed on January 7, 2008, which would make the deadline March 20, 2008.

Mr. Sokol asked Ms. Taggart to explain the current situation to the Committee. Ms. Taggart explained that Rist-Frost Associates had gone out of business, which left Westmount in the situation of not having an engineering firm to complete the air handler project. She said that Mr. Bruno would be signing on with Highlander Engineering Services, PLLC. Mr. Champagne asked where Highlander was located and Joan Sady, Clerk of the Board, replied that they were located in Argyle, New York. In answer to a question as to whether the County had any claim against Rist-Frost Associates, Ms. Taggart replied that the County had an outstanding balance with Rist-Frost Associates, which she assumed would be discharged since they were no longer in business. Mr. Tessier noted that the County owed an outstanding balance which he felt Rist-Frost Associates had not been entitled to since they had allowed the project to go over budget.

Ms. Taggart apprised that the attorneys were in the process of negotiating a fee in order for Mr. Bruno to remain the engineer on the air handler project. Mr. Geraghty asked for clarification on who Mr. Bruno was and Ms. Taggart responded that he had previously worked as the Chief Engineer for Rist-Frost Associates and had been present at the last Committee meeting to explain why the project had gone over budget. Mr. Geraghty noted that Rist-Frost Associates had requested additional \$10,000 above the original contract price and he asked how much had been paid to Rist-Frost Associates to date. Ms. Taggart replied approximately \$20,000 had been paid thus far and Mr. Geraghty stated that the County should pursue legal action against Rist-Frost Associates for breach of contract. He added that the company must have had professional liability coverage. He said that he was not comfortable having Mr. Bruno continue as the engineer for the project. Ms. Taggart noted that the County was negotiating a contract that would be for an amount not to exceed \$3,000 with Highlander Engineering Services, PLLC, in order to have Mr. Bruno, who was familiar with the project, continue as the engineer. Mr. Geraghty stated that the County had a contract with Rist-Frost Associates for \$24,000 and they had gone over budget on the project prior to going out of business. He added that the County would be hiring the same individual to complete the project and only the engineering company would be different.

Mr. Sokol apprised that the Committee should consult with Mr. Lamy to ascertain why he was recommending that the County continue with Mr. Bruno as the project engineer. Ms. Taggart noted that Resolution No. 163 of 2008 had been

approved at the February 15, 2008 Board meeting and authorized the County to enter into a contract with Highlander Engineering Services, PLLC for an amount not to exceed \$3,000 for the completion of the air handler project at Westmount Health Facility. Mr. Geraghty noted that Rist-Frost had already been paid approximately \$24,000 and the air handlers still had not been installed.

Discussion ensued.

Chairman Monroe entered the meeting at 9:41 a.m.

Mr. Thomas asked if the County should pursue legal action against Rist-Frost for the \$24,000 that had already been paid and Mr. Sokol responded that the Committee would first need to get more details from Mr. Lamy. Mrs. Sady asked if the outstanding balance of approximately \$10,000 had been paid to Rist-Frost Associates and Ms. Taggart replied in the negative. Mr. O' Connor questioned if Mr. Bruno had formed Highlander Engineering Services, PLLC and Ms. Taggart replied that Highlander Engineering had been in existence for some time and Mr. Bruno had recently gone to work for them after leaving Rist-Frost Associates. Mr. Champagne asked if Paul Dusek, County Attorney, should be present to explain the County's need to contract with Highlander Engineering Services, PLLC. Mrs. Sady responded that it had been Mr. Lamy who had expressed his desire to continue working with Mr. Bruno due to his familiarity with the project.

Discussion ensued.

Mr. Geraghty exited the meeting at 9:46 a.m. to engage in a phone conference with Mr. Lamy, in order to obtain more information to present to the Committee.

Mr. Sokol suggested that the Committee proceed with the remainder of the Agenda until Mr. Geraghty returned with further information.

Ms. Taggart apprised that she was requesting to extend the existing contract with Life Gas for oxygen delivery services, commencing April 1, 2008 and terminating December 31, 2008. She noted that there had been no increase in the cost of the contract.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to extend the existing contract with Life Gas, as outlined above and to authorize that the contract be automatically extended without further resolution providing there were no substantive changes in the agreement. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2008 Board meeting.*

Ms. Taggart stated that she was requesting to extend the existing contract with P & NP Computer Services, Inc., for financial and clinical computer documentation services, commencing April 1, 2008 and terminating March 31, 2009, for a lump sum amount not to exceed \$5,767.50. She noted that there had not been an increase in the cost of the contract for the last 5 or 6 years.

Motion was made by Mr. Champagne and seconded by Mr. Sheehan to extend the existing contract with P & NP Computer Services, Inc., as outlined above.

Mr. Champagne apprised that it was his understanding that if there were no changes to a contract it could be extended without the need for a further resolution. Mrs. Sady responded that some departments had certain contracts that allowed for extensions without further resolutions; however, she added, that did not apply to all County contracts. Mr. Tessier stated that he thought that only the Department of Public Works had this type of contract and Mr. Champagne said that he thought the option was available to all departments. Mrs. Sady said that she would consult with the County Attorney to determine the criteria for this type of contract. Mr. Thomas asked if the services provided by P & NP Computer Services, Inc., could be completed by the Information Technology Department and Ms. Taggart responded that the services pertained to the Medicare and Medicaid finances and were very specific.

Mr. Sokol called the question and the motion was carried unanimously to extend the existing contract with P & NP Computer Services, Inc., for financial and clinical computer documentation services, commencing April 1, 2008 and terminating March 31, 2009, for a lump sum amount not to exceed \$5,767.50, and to authorize that the contract be automatically extended without further resolution providing there were no substantive changes in the agreement. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2008 Board meeting.*

Ms. Taggart stated that she was requesting a new contract with Timothy E. Braim, O.D., for optical services for the patients at Westmount Health Facility. She added that Dr. Braim was an independent contractor and would therefore complete his own billing through Medicare B. She noted that he would come to the Facility once per month for approximately two to three hours.

Motion was made by Mr. Sheehan and seconded by Mr. Thomas to authorize a new contract with Timothy E. Braim, O.D., as outlined above.

Mr. Champagne asked if Westmount Health Facility contracted with other doctors independently and Ms. Taggart responded that they had contracts with a podiatrist and a dentist, as well. Mr. Champagne questioned if the Facility was

able to review the billing invoices of those services and Ms. Taggart stated that she could retrieve the information from the Facility's financial records if it was needed. Mr. Champagne asked if there was a way of auditing the services that were provided by these doctors for the patients of Westmount Health Facility and Ms. Taggart responded that the records listed the services that were performed (eye exams, replacement of eye wear, etc.); however, she added, the records did not contain information on the amount charged to Medicaid and Medicare. She stated that she felt that all of the independently contracted doctors on the Westmount Health Facility staff were honorable and trustworthy.

Mr. Sokol called the question and the motion was carried unanimously to authorize a new contract with Timothy E. Braim, O.D., for optical services for the patients at Westmount Health Facility. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2008 Board meeting.*

Ms. Taggart apprised that she was requesting authorization to attend the American College of Health Care Administrators Convention at the Hudson Valley Resort and Spa in Kerhonkson, New York on March 9-12, 2008, using a County vehicle. She added that the Convention would provide her with 15 educational credits toward her license.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to authorize Barbara Taggart to attend the American College of Health Care Administrators Convention, as outlined above. *A copy of the Authorization to Attend Meeting or Convention for Overnight Travel is on file with the minutes.*

Ms. Taggart said that she was requesting authorization for Renee Bazan, Social Worker at Westmount Health Facility, to attend the Nursing Documentation Seminar in Albany, New York on March 27, 2008, using her personal vehicle. She noted that the seminar would cover the topic of legal and ethical standards for documentation.

Motion was made by Mr. Champagne, seconded by Mr. Sheehan and carried unanimously to authorize Renee Bazan to attend the Nursing Documentation Seminar, as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

Mr. Strainer and Hal Payne, Commissioner of Administrative & Fiscal Services, entered the meeting at 9:53 a.m.

Ms. Taggart stated that she was requesting authorization to charge-off

uncollectible accounts in the amount of \$1,367.97, as recommended by the County Attorney's Office.

Motion was made by Mr. O' Connor, seconded by Mr. Champagne and carried unanimously to authorize the charge-off of uncollectible accounts in the amount of \$1,367.97. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2008 Board meeting.*

Ms. Taggart reported that the staffing levels at Westmount Health Facility were down by one part-time Registered Nurse (RN) position on the 7:00 a.m. to 3:00 p.m. shift, one full-time Licensed Practical Nurse (LPN) on the 11:00 p.m. to 7:00 a.m. shift and one full-time RN Relief position that alternated between the 3:00 p.m. to 11:00 p.m. and 11:00 p.m. to 7:00 a.m. shifts. She noted that a report on overtime usage had been included in the Agenda packet, a copy of which is on file with the minutes.

Mr. Geraghty returned to the meeting at 9:55 a.m. and reported that Mr. Lamy's understanding had been that at the last meeting the Committee had approved up to \$3,000 for Rist-Frost Associates to complete the inspection for the air handler project. He added that in the meantime, Mr. Lamy had met with Mr. Bruno and had been informed that Rist-Frost Associates was going out of business. He said that Mr. Bruno had signed on with Highlander Engineering Services, PLLC and Mr. Lamy had assumed that since the \$3,000 had been approved, it would be acceptable for him to utilize the services of Highlander Engineering Services, PLLC to complete the project. He added that Mr. Lamy's intention had been to keep the continuity of the project and see it through to completion.

Mr. O' Connor said that his concern was that Highlander Engineering Services, PLLC would ask for additional funds in order to complete the project. Mr. Geraghty responded that he had explained to Mr. Lamy that the Committee had concerns with Mr. Bruno continuing as the engineer on the project. He added that Mr. Bruno was familiar with the specifications of the project. Mr. O' Connor stated that Mr. Bruno was not a principal employee at Rist-Frost Associates and therefore, was not responsible for the company going out of business. Mr. Tessier noted that Mr. Bruno had admitted that he was at fault for the project going over budget. Mr. Geraghty responded that it had been Mr. Bruno's responsibility to oversee the project; however, he added, Mr. Bruno had not kept a close enough watch on what the project manager was doing. Mr. Sokol apprised that Mr. Bruno probably had a good idea that the company would go out of business when he attended the last meeting and added that he was troubled by the fact that Mr. Bruno had requested additional funds regardless. Mr. Geraghty suggested that no invoices be paid until the completion of the project. Mr. Champagne stated that this had not been an easy project, particularly with regard to the design of the air

handlers. He added that he felt Mr. Bruno had been on the project from the beginning and the County should have him continue as the engineer, due to his familiarity with the project specifications. Mr. Payne said that one of the reasons that Mr. Bruno signed on with Highlander Engineering Services, PLLC, was so that he would have insurance coverage while he completed outside projects. He added that the plumbing and electrical contractors had been looking at the work site and had discovered major problems that they did not know how to address without the assistance of Mr. Bruno.

Mr. Thomas apprised that Rist-Frost Associates owed the County approximately \$24,000 since they had not completed the project. He added that he felt the County should pursue legal action in an attempt to recoup some of the money.

Ms. Taggart stated that the New York State Department of Health had just completed a one week evaluation of Westmount Health Facility and noted that there were several minor infractions but nothing of major concern. She said that they would have the full report in the next couple of weeks and would then correct any infractions. Mr. Champagne asked Ms. Taggart if she could provide a copy of the report to the Committee members and Ms. Taggart replied affirmatively.

Discussion ensued.

Mr. Sokol noted that there was no business for Countryside Adult Home and added that the Committee would go into recess until representatives from the Health Services Department were available.

Ms. Taggart and Mr. Payne exited the meeting at 10:03 a.m.

Pat Auer, Director of Health Services, Tawn Driscoll, Fiscal Manager of Health Services and Ginelle Jones, Assistant Director of Public Health, entered the meeting at 10:12 a.m.

Mr. Sokol reconvened the meeting at 10:15 a.m.

Privilege of the floor was extended to Pat Auer, Director of Public Health, who distributed copies of the Agenda to the Committee members; *a copy of the Agenda is on file with the minutes.*

Mrs. Auer apprised that the Request for Proposal (RFP) for the update to the Point of Care Electronic Medical Record System had been developed and sent out to four vendors. She added that all four vendors had made presentations to the appropriate staff within the Department. She said that the bids would be opened on March 6, 2008 and she was requesting authorization to accept the lowest

responsible bid, at that time.

Mr. Kenny entered the meeting at 10:17 a.m.

Mrs. Auer stated that she would provide the tabulations and the explanations at the next Committee meeting. She apprised that she would prepare a post-Committee meeting resolution to request a contract for the March 21, 2008 Board meeting. She noted that due to the scope of work and the expense of the project, it would need to be bonded. She added that she had spoken with Mr. Payne who had suggested that she obtain the Committee's approval to refer the project to the Finance Committee in order to establish a capital project and receive authorization to obtain bonding for the project. She apprised that they would be requesting bonding in the amount of \$556,000, which was an estimate as the actual amount would not be known until after the bid opening. She added that she had spoken to Rick Murphy, Deputy Commissioner of Fiscal Services, who had informed her that she would need a specific dollar amount in order to request bonding. She said she was hoping to start the project prior to the summer. Mrs. Sady apprised that resolution requests would be needed to establish a capital project and to authorize the bonding, both of which would be referred to the Finance Committee. Mr. Champagne asked if this would all be included in one project and Mrs. Auer responded that it would be a previously authorized bond and would be broken down into individual projects. Mrs. Sady said that they planned to take bond anticipation notes and incorporate them into a single bond at the end of the year.

Motion was made by Mr. O' Connor, seconded by Mr. Thomas and carried unanimously to approve the request to establish a capital project for Point of Care (H282.9550 280) and to request bonding in the amount of \$556,000 and to forward same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Mrs. Auer noted that she had attempted to obtain funding from Congresswoman Gillibrand's Office and had been declined. She added that she would continue to look for additional funding.

Mrs. Auer apprised that a report of pandemic influenza activities was included in the Agenda packet, a copy of which is on file with the minutes. She added there had been an article in the newspaper that morning which reported that the flu shots were not as effective this year. She stated that the New York State Department of Health was working on a newer version of the flu shot for next year and added that she hoped that it would be available on time.

Mrs. Auer reported that the Certified Health Agency and the Long Term Home Health Care Programs had received their three-year survey from the New York

State Department of Health (DOH) the first week in February. She added that she was awaiting their report. She said that four surveyors had come this year as opposed to the three surveyors that had visited three years ago, due to an increase in the number of services that the Department provided. She stated that there had been no issues with the home visits found by the surveyors. She said that the surveyors had found two or three deficiencies in the documentation of the patient records. She added that one of the deficiencies was that the DOH wanted specific times listed, such as instead of 'home health aid, twice per week', the records should read 'home health aid, twice per week from 10:00 a.m. to 12:00 p.m.'. She noted that another deficiency was that the DOH wanted a specific order for each blood draw and not blanket orders for multiple blood draws on one patient. Mr. Champagne asked if every time blood was drawn a separate order was needed from the doctor and Mrs. Auer responded that one order was needed per blood draw, as opposed to an order stating that one blood draw was needed per month.

Mrs. Auer apprised that she was requesting authorization for Dana Hall, Registered Nurse, to attend the 2008 New York State Immunization Meeting at the Otesaga Hotel in Cooperstown, New York on April 8-10, 2008, using a County vehicle. She added that the cost of the meeting would be covered by the New York State Association of County Health Officials.

Motion was made by Mr. Sheehan, seconded by Mr. Tessier and carried unanimously to authorize Dana Hall to attend the 2008 New York State Immunization Meeting, as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

Mrs. Auer stated that she was requesting to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$2,243.62, to reflect the receipt of two insurance payments that had been received from two car accidents. She noted that neither of the car accidents had been the fault of the nurses that were driving the vehicles. She added that the Department of Public Works would be able to repair both vehicles.

Motion was made by Mr. Thomas, seconded by Mr. Champagne and carried unanimously to amend the 2008 County budget, as outlined above and to forward same to the Finance Committee. *A copy of the resolution request is on file with the minutes.*

Mrs. Auer expounded that the Health Services Department had worked very hard in order to be reimbursed for the Telehealth Program. She added that the reimbursement had been approved by the New York State Division of the Budget. She noted that they had already submitted their application, which Chairman Monroe had signed yesterday and added that the reimbursement would be

retroactive to October 2007. She advised that the Department was currently at Tier 1 and introduction of the Point of Care Electronic Medical Record System would move them to Tier 2, which would mean an increase in the amount of reimbursement per month per patient. Mr. Champagne asked if the amount of revenue from the reimbursements had been projected and Mrs. Auer replied that the reimbursement was only from Medicaid patients and should be approximately \$100,000. She said that Sharon Schaldone, Assistant Director of Public Health, had participated with the Home Care Association and had provided them with statistics and documentation. She added that she was thankful to Ms. Schaldone for that effort.

Mrs. Auer apprised that she was requesting to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$24,500, to increase the part-time help budget line in the Early Intervention Program. She added that this would allow the Department to use a part-time person for service coordination. She noted that the funds for part-time help would be reimbursable at a rate of \$13.25 per 15-minute increment and the part-time help would be paid at a prorated Grade 18, salary of \$18.33 per hour.

Motion was made by Mr. Tessier, seconded by Mr. Sheehan and carried unanimously to amend the 2008 County budget, as outlined above and to forward same to the Finance Committee. *A copy of the resolution request is on file with the minutes.*

Mrs. Auer said that she was requesting a transfer of funds in the amount of \$1,000 from the Tobacco Entitlement-Contract Expense Code (A.4018.0055.470) to the Tobacco Entitlement-Other Equipment Code (A.4018.0055.260) to purchase educational equipment to be used in schools to provide tobacco education programs.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to approve the request for the transfer of funds, as outlined above and to refer the same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Mrs. Auer advised that there was a report on free and reduced care included in the Agenda packet, a copy of which is on file with the minutes. She noted that the Department had not provided the allotted 3.3% for 2007.

Tawn Driscoll, Fiscal Manager for the Health Services Department, said that there was a budget analysis of revenues and expenditures for 2007 included in the Agenda packet, a copy of which is on file with the minutes. She noted that the Department had used less than the amount that had been budgeted for expenses

in 2007. She added that the County Treasurer's Office had not closed out the year for 2007 revenues; therefore, she stated, the amount of actual revenues on the report was less than the amount that had been budgeted. She said that the County Treasurer's Office should be closing the books for 2007 by the end of March and she would have a more accurate report at that time. She stated that the overtime situation had been adjusted within the 2008 County budget. Mrs. Auer noted that the Department had not spent more than had been budgeted.

Mrs. Auer apprised that a copy of the Health Services Department Goals and Objectives for 2008 had been included in the Agenda packet, a copy of which is on file with the minutes. She added that this was something that she liked to do to set goals within the Department. Mr. Champagne suggested that the individual who was responsible for meeting each of the goals should be identified, as well as the time frame in which it had been accomplished.

Mr. Payne entered the meeting at 10:30 a.m.

Mr. Sokol advised that the Committee would need to enter into an executive session to discuss collective negotiations pursuant to article fourteen of the civil service law.

Motion was made by Mr. Thomas, seconded by Mr. Tessier and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 10:32 a.m. to 10:55 a.m.

Committee reconvened.

Mr. Sokol noted that no action was necessary subsequent to the executive session.

As there was no further business to come before the Health Services Committee, on motion made by Mr. Thomas and seconded by Mr. Champagne, Mr. Sokol adjourned the meeting at 10:56 a.m.

Respectfully submitted,

Charlene DiResta, Legislative Office Specialist